

CALIFORNIA CODE OF REGULATIONS
TITLE 19, PUBLIC SAFETY
DIVISION 1, STATE FIRE MARSHAL
Chapter 13. California Fire Service Training and Education Program

UPDATE OF INITIAL STATEMENT OF REASONS

The State Fire Marshal (“SFM”) has provided an update to the Initial Statement of Reasons. The SFM made available a 45-day public comment period for the proposed regulation from December 21, 2018, through February 4, 2019. Following the close of the 45-day public comment period, changes were made to the “Text of the Proposed Regulation” and non-substantive changes were made to the document incorporated by reference for this rulemaking: “State Fire Training Procedure Manual (January 2019).” A 15-Day public comment period for modifications begins March 8, 2019 and ends March 23, 2019. The SFM proposes additional modifications and clarifies and updates the training requirements in California and those documents incorporated by reference as follows:

PURPOSE AND NECESSITY

Specific Sections with have been modified:

TEXT OF THE PROPOSED REGULATION:

Section 1990.08 Suspension and Revocation, Sections 1990.08 (b), (c), (d), (e) and (e)(1) is for editorial purposes and is proposed to be amended to identify and provide clarity.

Necessity: The proposed change to the text is needed to provide clarity and consistency amongst recognizable participants in the State Fire Training system.

Sections: 1990.08, 1990.08 subsection (b), has deleted ~~“the instructor’s or accredited facility’s”~~ and replaced it with “registered instructors, registered lead evaluators, registered skills evaluators, accredited facilities, and/or host facilities” for consistency.

Sections 1990.08 subsection (c), 1990.08 subsection (d), 1990.08 subsection (e), and 1990.08 subsection (e)(1) has deleted ~~“instructor registration or facility”~~ and replaced it with “registered instructor, registered lead evaluator, registered skills evaluator, accredited facility, and/or host facility” for consistency.

STATE FIRE TRAINING PROCEDURE MANUAL (JANUARY 2019):
(Document Incorporated by Reference)

Section 2.1.2: Membership, subsection C.10. Is proposed to provide a non-substantive change in verbiage to provide clarity.

Necessity: The change is needed to expand the membership inclusion for the CFTDA organization and remove geographical limits.

Section 2.1.2 (C)(10) was amended to delete ~~“one north and one south”~~ and replace with “up to two” to be in alignment with other represented organizations within the list.

Section 3.6.2: Appeals Process. Is proposed to provided clarity regarding SFT processes and appropriately involved personnel in the Appeals Process.

Necessity: The editorial and non-substantive correction is needed for clarity by adding: “or his/her designee” throughout Section to allow for instances in which there are vacancies in the position of State Fire Marshal or Assistant State Fire Marshal. The minor edits provide non-substantive editorial change to regulation to expand the list of personnel that may receive and review submitted appeals. If the position(s) of State Fire Marshal and Assistant State Fire Marshal are found vacant or unseated, personnel are on family or medical, or s/he must recuse from participation, an alternate shall be designated for the Appeals Process.

Section 4.4.3:A False Information and Fraudulent Activity. Is proposed change to verbiage to provide expanded clarity regarding the definition of false information and fraudulent activity as it pertains to SFT documents.

Necessity: The editorial correction is needed for clarity regarding what constitutes false information and fraudulent activity.

The necessary editorial correction was revised as follows: “A. SFT defines fraudulent activity as deliberate deception to secure unfair or unlawful gain, including but not limited to, falsifying records, portfolios, work examples, certifications, course completions, ~~or~~ other submitted documents, or the alteration of official SFT documents, diplomas, or certificates.”

Section 5.1.5:A5. Is a proposed change to text to clarify attendance policy requiring student attendance to satisfy individually required course attendance hours.

Necessity: The added verbiage provides specification for student attendance regarding absenteeism and tardiness. Section 5.1.5:A.5. was amended to add #5 to subsection A to read as follows: “5. Ensure that absenteeism and tardiness does not exceed 10% of the required course attendance hours.”

Section 6.7.1.3: Professional Experience, A. Table is proposed to realign text within the provided Table to reflect the appropriate Experience requirements.

Necessity: An editorial and non-substantive correction is needed for clarity by differentiating between the Experience requirements for the Company Officer 2D and 2E courses. Under the heading “CFSTES Course”, a delineator line was added between Company Officer 2D and Company Officer 2E to separate them and align with the respective Experience columns. This addition ensures and clarifies the Experience requirements are different and specific for each training and experience level.

Section 6.7.9.5:ATable is proposed to relocate Fire Fighter Survival to the appropriate placement within the provided Table.

Necessity: The editorial and non-substantive correction is needed for clarity by relocating FSTEP Course “Fire Fighter Survival” from the Command level row to the neighboring Operations level row. This change provides clarity regarding Experience requirements as Fire Fighter Survival is an Operations-level training course with a less restrictive Experience requirement than that of a Command-level course.

Section 6.7.10.3:A1 is proposed to provide clarity regarding the required Course Work for Hazmat First Responder training completion.

Necessity: The added verbiage provides specification for acceptable equivalency for the Hazmat First Responder training by adding subsection #1 to read: 1. See Section 9.1.2, directing readers to the Section 9.1.2 Approved Courses Table which details the Approved Equivalent course and approved Provider. This editorial and non-substantive change provides readers directive regarding the approved course equivalencies for training received outside the State Fire Training system.

Section 6.7.10.3:B is proposed to provide clarity regarding the required Course Work for Hazmat First Responder training completion by expanding the applicability of upper-level Hazmat training.

Necessity: The added verbiage provides specification for acceptable equivalency for the Hazmat First Responder training by expanding acceptable training to include the upper-level training received through Technician-level coursework to satisfy that of the First Responder requirements. The newly added verbiage to subsection B. now reads: B. Attending and passing SFT or CSTI Hazardous Materials Technician course meets the requirement for attending and passing Hazardous Materials First Responder Awareness, Operations, and Decontamination. This non-substantive change expands equivalency recognition as training obtained through Technician coursework exceeds that of First Responder.

Section 6.7.12.5: Professional Experience, Table. Is for clarity in the table and non-substantial to the effect of the regulations.

Necessity: This editorial and non-substantive change deletes in the table the text “Instructional Techniques for Company Officers” under the column “FSTEP Courses” and its respective experience requirement under the column “Experience” as the course is retired and obsolete. The course has been removed from available training and is now obsolete and no longer available in the SFT system.

Section 6.7.22.4:B Senior Instructor is for editorial correction and non-substantive to the effect of the regulations.

Necessity: This editorial and non-substantive change corrects grammatical error by changing ~~RRT~~ to TRT to reflect the appropriately referenced course track as Trench Rescue Technician.

Section 7.7.1.4:B Instructor I Education is for clarity and non-substantial to the effect of regulations.

Necessity: This editorial and non-substantive change corrects the Education requirements of the Instructor I certification by removing the course ~~B. Ethical Leadership in the Classroom or Ethical Leadership for Instructors~~ as this coursework is not a requirement for Instructor I certification.

Section 7.7.2.3:A Instructor II Prerequisites is for clarity and non-substantial to the effect of regulations.

Necessity: This editorial and non-substantive change corrects the certification Prerequisite in subsection A. by removing ~~Training Instructor I~~ and ~~Fire Instructor I~~ as these courses are now retired and no longer applicable in satisfying the Prerequisites for Instructor II certification.

Section 7.7.2.4:B and C Instructor II Education is for clarity and non-substantial to the effect of regulations.

Necessity: This editorial and non-substantive change corrects the certification Education in subsections B and C by removing ~~B. Ethical Leadership in the Classroom or Ethical Leadership for Instructors~~ and ~~C. Regional Instructor Orientation~~ as these courses are not required Education coursework for Instructor II certification.

Section 7.7.3.4:A1 Instructor III Education is for clarity and non-substantial to the effect of regulations.

Necessity: This editorial and non-substantive change removes text from subsection A as the courses are retired. Subsection Text has been edited to remove ~~4. Training Instructor 1A, 1B, and 1C may be used as a substitute for Instructor I.~~ These courses are now obsolete and no longer available in the SFT system.

Section 7.7.3.4:B1 Instructor III Education is for clarity and non-substantial to the effect of regulations.

Necessity: This editorial and non-substantive change removes text from subsection B as the courses are retired. Subsection Text has been edited to remove ~~4. Fire Instructor 2A, 2B, and 2C may be used as a substitute for Instructor II.~~ These courses are now obsolete and no longer available in the SFT system.

Section 7.10.1.8:A Position is to align text with SFT terminology and is non-substantive in nature

Necessity: Verbiage change to remove the word ~~rank~~ and replace with position before “of Company Officer” to align with SFT terminology and provide consistency.

Section 7.12.1.3:A Prerequisites is editorial and non-substantive change to provide clarity.

Necessity: Non-substantive verbiage change to expand subsection A to include (PSFA), Emergency Medical Responder, Emergency Medical Technician-Basic (EMT-B), or Emergency Medical Technician-Paramedic (EMT-P) as applicable prerequisite training. This change details the coursework that may also satisfy the prerequisites for Fire Fighter I by expanding upon the specific training that meets the requirements.

Table 9.1.2: SFT Approved Courses. Is amended to provide consistency among the hazardous materials training certification equivalencies recognized by SFT.

Necessity: Provides expanded inclusion of acceptable training outlets for candidates to satisfy listed requirements and is needed to further clarify acceptable training equivalencies. Table 9.1.2, under column header “Provider” was amended to add “or equivalent” to the Hazardous Materials Fire Responder Awareness, Operational, and Decontamination portions of the equivalency table.